

NHDES

State of New Hampshire  
DEPARTMENT OF ENVIRONMENTAL SERVICES

6 Hazen Drive, P.O. Box 95, Concord, NH 03302-0095

(603) 271-3503 FAX (603) 271-2982



LETTER OF DEFICIENCY

WD WQE 04 - 03

April 22, 2004

R.J. Moreau Companies, Inc.  
24 Eastman Avenue  
Bedford, New Hampshire 03110

Attn: Rick Bachand

RE: Violations of RSA 485-A:17 and RSA 482-A  
Inkberry Road Lots, New Boston.

Dear Mr. Bachand

On March 31, 2004, personnel from the Department of Environmental Services ("DES") conducted an inspection of your property located in New Boston, New Hampshire, more specifically identified on New Boston Tax Map 6 as Lots 41-41, 41-42, 41-49 and 41-50 ("the Property"). The purpose of this inspection was to determine compliance with RSA 482-A:6, NH Admin. Rules Wt 100 *et seq.*, RSA 485-A:17 and Env-Ws 415.

Based upon a review of documents on file with DES and the field inspection, the following deficiencies were documented:

- a. Erosion control measures were minimal, not properly installed, or had not been maintained on the Property;
- b. Soil stockpiles were not stabilized and no erosion/sediment control measures had been installed around the stockpiles;
- c. The disturbed area was not stabilized and erosion of unstable soils had taken place; Rills were evident.
- d. Sediment-laden runoff from the lots entered the catch basins by way of the drainage swales; the sediment-laden runoff in the catch basins is discharged to the Piscataquog River. Water samples were taken and measured for turbidity.  
The result of the water samples is as follows:

Background sample:	4.5 NTUs
Piscataquog River at culvert outlet	58 NTUs
Downstream sample:	23.7 NTUs

In response, you are requested to take the following action:

**Immediately stabilize the Property** as necessary to protect surface water quality and prevent erosion, and remove all sediment from existing erosion control structures and all drainage structures;

2. **Within 5 days of the date of this LOD**, prepare an erosion and sediment control plan ("Plan") for the Property, and submit said Plan to DES for review. The Plan shall include, at a minimum, temporary and permanent erosion control measures necessary to stabilize the site, protect surface water quality, and prevent further impacts to surface waters. The Plan shall also include a schedule for implementing the measures described in the Plan.
3. **Within 5 days of the date of this LOD**, implement the Plan on the Property, as approved by DES, in accordance with the approved schedule.

DES believes that the cited deficiencies can be corrected within the time periods established within this LOD. Failure to respond to this Letter of Deficiency in a timely and complete manner may be construed as noncompliance by the receiving party. DES personnel may conduct another inspection at a later date to determine whether you have come into and are maintaining full compliance with the applicable statute and rules.

Issuance of this letter shall not preclude further enforcement by DES. Failure to comply with RSA 482-A and RSA 485-A will result in enforcement by DES, including but not limited to the issuance of fines, administrative orders, or referral to the New Hampshire Office of the Attorney General for prosecution of civil or criminal penalties.

Following completion of the necessary work, please submit a letter to DES certifying that the work requested in this Letter of Deficiency has been completed and provide DES with photographs documenting each stage of the work. Submit your report and photographs to:

Ana Ford  
Department of Environmental Services  
PO Box 95  
Concord, NH 03302-0095

Should you have any questions regarding this letter, please contact Ana Ford at (603) 271-3380.

Sincerely,

**COPY**

Ana Ford,  
Compliance Specialist  
Land Resources Management Program

*Certified Mail RRR # 7099 3400 0002 9774 7503*

Gretchen R. Hamel, DES Legal Unit Administrator  
James Martin, DES Public Information Officer  
Steve Couture, DES Rivers Coordinator  
Mary Ann Tilton, DES Wetlands Bureau Enforcement  
New Boston Conservation Commission  
New Boston Board of Selectmen